

**IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-294-JRG
)	
MICRON TECHNOLOGY, INC.;)	JURY TRIAL DEMANDED
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF
NETLIST, INC.'S REPLY IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT THAT THE ASSERTED PATENTS ARE NOT STANDARD
ESSENTIAL (DKT. 362)**

I, Stephen M. Payne, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. ("Netlist") in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.'s Reply in Support of Motion for Summary Judgment That the Asserted Patents Are Not Standard Essential. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 12** is a true and correct excerpted copy of Exhibit B to Netlist's Preliminary Infringement Contentions to Micron in this action.

3. Attached as **Exhibit 13** is a true and correct excerpted copy of the Vol. I Pretrial Conference Transcript in *Netlist v. Samsung*, No. 2:21-cv-463-JRG (E.D. Tex.), dated March 28, 2023.

4. Attached as **Exhibit 14** is a true and correct copy of Docket Entry 478 in *Netlist v. Micron*, No. 22-cv-203, (E.D. Tex.), dated January 31, 2024.

5. Attached as **Exhibit 15** is a true and correct excerpted copy of the transcript of the December 20, 2023 Pretrial Conference for Civil Case No. 2:22-cv-203-JRG.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2024.

By /s/ *Stephen M. Payne*

Stephen M. Payne